

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:88-cr-00095-MR-DLH-3**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT HANEY,

Defendant.

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ORDER

THIS MATTER is before the Court upon the Defendant's Second Motion for Early Termination of Supervised Release [Doc. 12].

On July 5, 1989, the Defendant was found guilty of bank robbery and aiding and abetting the same, in violation of 18 U.S.C. § 2113(a) and 2; robbery of a bank insured by F.D.I.C. and aiding and abetting the same, in violation of 18 U.S.C. § 2113(b) and 2; armed bank robbery and aiding and abetting the same, in violation of 18 U.S.C. § 2113(d) and 2. He was sentenced to a term of 322 months' imprisonment, followed by five years of supervised release. [Doc. 1-1: Judgment].

The Defendant commenced his term of supervised release on August 7, 2015. [See 8]. In October 2017, the Defendant moved the Court to

exercise its discretion and terminate his term of supervised release pursuant to 18 U.S.C. § 3583(e)(1). [Doc. 10]. The Court denied the Defendant's motion without prejudice on October 30, 2017. [Doc. 11]. The Defendant now renews his motion. [Doc. 12].

In order to terminate a defendant's term of supervised release, the Court must be "satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1). Generally, the Court will consider terminating a term of supervised release where the defendant has exhibited exemplary behavior and has served at least two-thirds of the imposed term. Here, the Defendant has completed only 35 months of his 60-month term of supervised release. While the Defendant's compliance with the terms and conditions of supervised release is commendable, the Court is not satisfied that termination is warranted under the circumstances at this time. Accordingly, the Court declines to exercise its discretion to terminate the Defendant's term of supervised release.

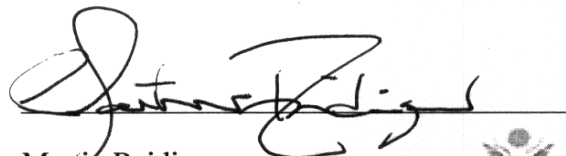
Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's Second Motion for Early Termination of Supervised Release [Doc. 12] is

DENIED. The Defendant's term of supervised release shall continue as originally sentenced.

The Clerk is directed to serve a copy of this Order on counsel for the Defendant, counsel for the Government, and the United States Probation Office.

IT IS SO ORDERED.

Signed: July 27, 2018


Martin Reidinger
United States District Judge

